

## PROCEDURES OF SOUTH FLORIDA WATER MANAGEMENT DISTRICT

### Release of Reservations and Issuance of Non-Use Commitments

(1)**General** - The District may release or agree not to exercise any easement, reservation or right of way interest or may sell or exchange easements as surplus lands.

(2)**Application** - Applications for Releases and Non-Use Commitments shall be made on forms provided by the District, accompanied by the fee required in **Rule 40E-9.965**, and shall include the following information:

- (a) the applicant's name and address;
- (b) an accurate legal description, including the acreage, of the land;
- (c) a survey, sketch or recorded plat;
- (d) the name of any unit of local government within which the land is located.  
Units of local government include counties, municipalities and drainage or county water management districts;
- (e) the current and proposed land uses;
- (f) the current and proposed zoning, including a description of the pertinent zoning classifications;
- (g) certificate of ownership, and signed Beneficial Interest and Disclosure Affidavit if owner is a corporation, partnership or trust, and
- (h) a copy of the reserving deed, or information relating to the reserving deed, including number, date, recording data and grantee.

**NOTE:** Releases and Non Use Commitments will only be issued to the fee owner of record on properties within a Section-Township-Range or Platted Subdivision. The Beneficial Interest and Disclosure Affidavit is required for those properties that are owned by a corporation, partnership or trust. Any owner with a 5% or greater interest must be disclosed on this affidavit.

Revised 7/99

(3) Terms and Conditions - **Canal Reservations**

(a) District Canal Reservations - The District may release District Canal Reservations in whole or in part under the following circumstances:

1. the District determines that the lands in the requested release are not required in the overall flood control project, or any District project, or for use in an area in which there is not an existing secondary plan of water control, or

2. the requested release is in an area with a secondary plan of water control that has been designed and approved and the right of way requested to be released is not required in said plan.

(b) Trustees of the Internal Improvement Trust Fund and State Board of Education Canal Reservations - **Rule 15Q.011(2)** require District approval prior to releases of canal reservations reserved by the Trustees of the Internal Improvement Trust Fund or the State School Board. Upon receipt of a copy of a Department of Environmental Protection release application, accompanied by the fee required in Rule **40E-9.965**, the District will process it in the same manner and with the same criteria as an application for release of District canal reservations.

(c) Upon receipt of an application, the District will seek the concurrence of appropriate governmental entities having a possible use for the canal reservations. The governmental entities shall have 30 days from date of notice to respond.

(4) Terms and Conditions - **Road Reservations**

The District may release road reservations, as reserved in Everglades Drainage District Deeds, in whole or in part under the following conditions:

(a) State road reservations - The Florida Department of Transportation has approved the requested release.

(b) County road reservations - The County Engineer of the affected County has approved the requested release.

(5) Terms and Conditions - **Oil, Gas and Mineral Reservations**

(a) The District may release oil, gas and mineral reservations under the following conditions:

1. the lands will be used for residential purposes;
2. the surface area is not greater than 1.25 acres, and
3. the applicant provides evidence that lands on which reservations were previously released have been sold.

(b) **Non-Use Commitments** - The District may agree not to exercise rights of ingress and egress reserved with oil, gas and mineral reservations if the lands do not qualify for a release under paragraph (a). The District may issue a non-use commitment under the following conditions:

1. the landowner agrees not to lease for exploration or explore for oil, gas and minerals, and
2. the lands are to be used for residential, industrial, commercial, or governmental purposes, and
3. the landowner has applied for and obtained any permits required from the District.

(6) Terms and Conditions - **Easements**

Easements acquired by the District other than by canal reservations, a Trustee of the Internal Improvement Trust Fund and State Board of Education canal reservations, road reservations, oil, gas and mineral reservations as are set forth in Rule 40E-9.959(2) through (5), may be sold or exchanged in the same manner and procedure as set forth in Rule 40E-9.955.



## South Florida Water Management District

# *Fee Schedule*

Form #0108  
Rev. 9/97

The following schedule of non-refundable fees (as authorized by Rule **40E-9.965** Florida Administrative Code) shall apply to and accompany all applications:

### TYPE OF APPLICATION   FEE

(a)	Sale of surplus lands	\$1,000.00
(b)	Exchange of surplus lands	1,000.00
(c)	Leases	1,000.00
(d)	Easements	1,000.00
(e)	Releases and Non Use Commitments	
1.	Releases	
a.	canal reservations (EDD, TIIF)	250.00
b.	road reservations (EDD only)	250.00
c.	mineral reservations (EDD only; 1.25 acres or less)	250.00
d.	multiple releases combined into one instrument (EDD only)	250.00
2.	Non Use Commitments (Parcels in excess of 1.25 acres)	
a.	residential (single sites)	*250.00
b.	commercial, industrial, residential and governmental development	*250.00
*\$250.00 for first acre and \$25.00 for each additional acre or portion thereof		
(f)	Miscellaneous	
1.	Approval of release of TIIF or BOE canal reservations	250.00
2.	Quit Claim Deeds	200.00
3.	Reissue or corrective deed	150.00
4.	Disclaimers	200.00

NOTE: More than one type of reserving deed on a property may result in multiple fees.

Effective: March 3, 1991

## BENEFICIAL INTEREST AND DISCLOSURE AFFIDAVIT

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, personally appeared, \_\_\_\_\_, ("Affiant") this \_\_\_\_\_ day of \_\_\_\_\_, 1999, who, first being duly sworn, as required by law, subject to the penalties prescribed for perjury, deposes and says:

1) Affiant has read the contents of this Affidavit, has actual knowledge of the facts contained herein, and states that the facts contained herein are true, correct and complete.

2) That \_\_\_\_\_, whose address is \_\_\_\_\_, is the record owner of the real property more particularly described in Exhibit "A" attached hereto and made a part hereof (hereinafter called the "Premises"). The following is a list of every "person" (as defined in Section 1.01(3), Florida Statutes) holding 5% or more of the beneficial interest in the disclosing entity: (If more space is needed, attach separate sheet)

Name Address Interest

FURTHER AFFIANT SAYETH NOT.

AFFIANT

\_\_\_\_\_  
By:

SWORN TO and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 1999, by  
\_\_\_\_\_. Such person(s). (Notary Public must check  
applicable box):

☐ is/are personally known to me.  
☐ produced a current driver license(s).  
☐ produced \_\_\_\_\_ as identification.

(NOTARY PUBLIC SEAL) \_\_\_\_\_  
Notary Public

\_\_\_\_\_  
(Print, Type or Stamp Name of Notary Public)



Form #0108  
Rev. 5/01

**South Florida Water Management District**  
**Real Estate Department**  
**3301 Gun Club Road, West Palm Beach, FL 33406**  
**Post Office Box 24680, West Palm Beach, Florida 33416-4680**

***Application For Release of Mineral, Canal, and Road Reservations Reserved***  
**UNDER CHAPTER 6456, 6957, 7305, 14717 and 20658, LAW OF FLORIDA**

RESERVATIONS REQUESTED TO BE RELEASED CANAL: \_\_\_\_\_ COUNTY ROAD: \_\_\_\_\_ STATE ROAD: \_\_\_\_\_ MINERAL: \_\_\_\_\_  
(if parcel is 1.25 acres or less) OR (if parcel is more than 1.25 acres, all land uses EXCEPT agricultural) MINERAL - NON USE COMMITMENT: \_\_\_\_\_

REQUIREMENTS FOR PROCESSING TO BE PROVIDED BY APPLICANT\* (submit in triplicate, attach exhibits when applicable - facsimile transmissions and/or paper NOT ACCEPTABLE):

1. Accurate legal description of subject property: (Lengthy and/or metes and bounds legal description must be submitted in a legible and recordable form for attachment as exhibit to release instrument) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ East.

2. Property Address or Street Location of vacant land: \_\_\_\_\_

3. Size of parcel to be released: \_\_\_\_\_ acres or \_\_\_\_\_ square feet

4. Name of municipality and/or drainage district or county water management in which property is located: \_\_\_\_\_

5. **LEGIBLE** survey, sketch of property, or copy of plat (MUST show relationship of land described in application to land described in Reserving Deed. Underlying tracts must be indicated when replat(s) exist.)

6. ZONING CODE:

a) Current Zoning Code: \_\_\_\_\_

d) Proposed Land Use: \_\_\_\_\_

b) Proposed Zoning Code: \_\_\_\_\_

e) Number of Units: \_\_\_\_\_

c) Current Land Use: \_\_\_\_\_

f) Describe property improvements \_\_\_\_\_

7. DISTRICT SURFACE WATER MANAGEMENT OR ENVIRONMENTAL RESOURCE PERMIT NO: \_\_\_\_\_

Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ East

Applicant File No. \_\_\_\_\_

District File No. \_\_\_\_\_

**\* FAILURE TO SUBMIT A COMPLETED APPLICATION WILL DELAY PROCESSING AND/OR RESULT IN YOUR APPLICATION BEING RETURNED.**

8. **RESERVING DEED(s)** (must attach copy of each). Multiple applications are not necessary if parcel is owned by a single owner.

a) **EVERGLADES DRAINAGE DISTRICT** (Chapters 6456, 14717, 20658) Deed No. \_\_\_\_\_  
dated \_\_\_\_\_ Deed Book \_\_\_\_\_ at Page \_\_\_\_\_ County \_\_\_\_\_ Grantee: \_\_\_\_\_

b) **TRUSTEES OF THE INTERNAL IMPROVEMENT FUND** (Chapters 6456, 6957, 7305) Deed No. \_\_\_\_\_  
dated \_\_\_\_\_ Deed Book \_\_\_\_\_ at Page \_\_\_\_\_ County \_\_\_\_\_ Grantee: \_\_\_\_\_

c) **APPROVAL for TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND/STATE BOARD OF EDUCATION/THIRD PARTY DEEDS**  
(Florida Statutes 253.03 and 270.11) Deed No. \_\_\_\_\_ dated \_\_\_\_\_ Deed Book \_\_\_\_\_  
at Page \_\_\_\_\_ County \_\_\_\_\_ Grantee: \_\_\_\_\_

(SFWMD has no interest in Trustees/Murphy Act Mineral or Road Reservations)

9. I hereby certify that title to the above described real property is vested in (attached Beneficial Interest and Disclosure Affidavit is required if owned by a Corporation, Partnership or Trust): \_\_\_\_\_

**CERTIFICATE OF OWNERSHIP:** Satisfactory evidence certifying that the applicant is the legal record owner of the subject property. Definition of satisfactory evidence: a current title insurance policy; current title binder; or, current title commitment issued by a title insurance company authorized to do business in the State of Florida; or a current Opinion of Title prepared by a member of the Florida Bar, covering subject property. **Current** means no older than six (6) months.

\_\_\_\_\_  
Signature (Owner or Applicant) Title Date

10. NAME AND ADDRESS TO WHOM RELEASE/APPROVAL IS TO BE SENT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Telephone No. ( ) \_\_\_\_\_

An initial payment of \$250.00 must accompany each application. Make checks payable to **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**. You will be advised if additional charges are indicated (see attached Fee Schedule).

**FOR DISTRICT USE:**

**DEPARTMENT OF ENVIRONMENTAL RESOURCE COMPLIANCE:** SWM Permit issued: \_\_\_\_\_yes; \_\_\_\_\_no; \_\_\_\_\_no permit required  
Permit No: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_ Remarks: \_\_\_\_\_  
\_\_\_\_\_  
Signed by: \_\_\_\_\_ Date: \_\_\_\_\_

**DEPARTMENT OF WATER RESOURCE EVALUATION:**

\_\_\_\_\_  
Release upon local approval. \_\_\_\_\_Do not release. Remarks: \_\_\_\_\_  
\_\_\_\_\_  
Signed by: \_\_\_\_\_ Date: \_\_\_\_\_

**WATER SUPPLY & DEVELOPMENT DEPARTMENT:**

\_\_\_\_\_  
Release upon local approval. \_\_\_\_\_Do not release. Remarks: \_\_\_\_\_  
\_\_\_\_\_  
Signed by: \_\_\_\_\_ Date: \_\_\_\_\_

**CONSTRUCTION AND ENGINEERING DIVISION:**

\_\_\_\_\_  
Release upon local approval. \_\_\_\_\_Do not release. Remarks: \_\_\_\_\_  
\_\_\_\_\_  
Signed by: \_\_\_\_\_ Date: \_\_\_\_\_

**FAILURE TO SUBMIT A COMPLETED APPLICATION WILL DELAY PROCESSING AND/OR RESULT IN YOUR APPLICATION BEING RETURNED.**